

**Testimony Supporting
S.B. 156: An Act Concerning Sibling Visitation for Children in the
Care and Custody of the Commissioner of Children and Families
and H.B. 5186: An Act Adopting a Foster Parent Bill of Rights**

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Select Committee on Children

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Senator Gerratana, Representative Urban, and Distinguished Members of the Select Committee on Children:

We are testifying today on behalf of Connecticut Voices for Children, a research-based public education and advocacy organization that works statewide to promote the well-being of Connecticut's children, youth, and families.

Connecticut Voices for Children strongly supports S.B. 156: An Act Concerning Sibling Visitation for Children in the Care and Custody of the Commissioner of Children and Families.

1. *When it is not possible to place sibling groups together, DCF should provide for frequent and regular visitation between separated siblings.*

When children are removed from their families due to parental abuse or neglect, they should be placed together with their siblings unless such placement is not in their best interest. Current law requires the Department of Children and Families (DCF) to place siblings groups together "if possible."¹ However, DCF has consistently failed to meet its obligation under the *Juan F.* settlement to place 95% of siblings together (excluding cases where such placement is not in the children's best interest).² The most recent federal Child and Family Service Review (April 2009) also found DCF in need of improvement in order to meet the federal standard for sibling placement.³

In cases where sibling groups must be separated, brothers and sisters should have the right to consistent visitation. For children in foster care, as for all children, relationships with brothers and sisters are some of the most important and longest-lasting relationships in their lives, so it is essential for the Department to support the continuation of these ties. As "James," a 16-year-old in DCF care, explained during Foster Youth Capitol Day in October 2011:

"If you're put into care, you definitely need to have somebody by your side. Let me tell you, my little brother is ten, and I could not imagine what it would be like not being able to see him at all, especially with the circumstances me and him have grown up in."

S.B. 156 would enable siblings separated by DCF to visit one another a minimum of once per week (on average), unless such frequent visitation is not in the best interest of each sibling.

Under DCF's current policy, there is no consistent standard for visitation between siblings who have been separated from their families due to parental abuse or neglect. Many young people in DCF care

report visitation only once a month, or, in some cases, even less frequently. The case review conducted during the 2009 Children and Family Service Review revealed that, while one-third of the cases reviewed had sibling visitation at least weekly, the majority had visitation less than twice a month, and one-third had no visitation with their siblings at all during the time period under review. In summary, the federal reviewer concluded that, in a majority of applicable cases, DCF **“did not make concerted efforts to promote visitation with siblings.”**⁴

2. *Increasing sibling visitation is consistent with best practices in child welfare and with the direction of the Department.*

A once-a-week baseline is consistent with best practices in child welfare, which aim to recreate a sense of normalcy by requiring **frequent** and **regular** contact between siblings.

The uncertainty of being separated from siblings with infrequent or irregular visitation can compound the trauma of separation from parents. In fact, the original complaint in the *Juan F.* litigation included the claim that separation from and lack of visitation with siblings had compounded the trauma of Juan’s removal from his home:

*“DYCS (the predecessor agency of DCF) has not told Juan where it has placed his younger sister and has arranged no visits between them. DCYS also has failed to make adequate efforts to facilitate visits between Juan and his younger brother, who is also in DCYS custody, leaving Juan intensely fearful that he will lose all contact with his brother, just as he has lost contact with all of his other family members.”*⁵

Currently, DCF is introducing practice changes that have the potential to transform the agency’s operation and improve the services provided to children and families.⁶ We believe that these practice changes will allow DCF to place more sibling groups together,⁷ and to place children in closer proximity to their siblings in the cases where they must be separated. Therefore, achieving once-a-week sibling visitation by October 1, 2014 is a reasonable expectation for the Department.

3. *S.B. 156 would allow the Department to waive the once-a-week minimum baseline in any case in which such frequent visitation is not in each sibling’s best interest.*

Current law requires DCF to ensure that sibling visitation occurs throughout the duration of placement, with the frequency and duration determined by the best interest of the children.⁸ However, as discussed above, in a substantial number of cases visitation occurs only once-a-month, or less frequently, because of resource constraints or other considerations. This bill attempts to shift the baseline expectation to once-a-week visitation, but preserves the ability of the Department to determine that such frequency is not in each child’s best interest.

Should DCF determine that once-a-week visitation is not in each sibling’s best interest, the Department will be required to document the reasons for the finding in each child’s treatment plan. This requirement parallels the current standard, which requires DCF to provide such justification in cases where it recommends no visitation or less visitation than requested by a child’s attorney or guardian ad litem.⁹

4. *The bill directs DCF to meet with members of the DCF Youth Advisory Boards to gather additional suggestions for strengthening sibling rights.*

Year after year, improving sibling visitation rights and strengthening sibling bonds are top priorities for reform raised by children and youth who grow up in Connecticut's child welfare system. The requests that young people raise in our conversations are largely ones that most of us would take for granted, such as the right to celebrate birthdays and significant holidays with siblings, the right to be notified of changes in a sibling's placement, and the right not to have contact with siblings withdrawn as a punishment.

S.B. 156 directs DCF to meet with representatives from DCF's Youth Advisory Boards (YABs)¹⁰ to speak about these priorities and gather recommendations for a "Sibling Bill of Rights." The Sibling Bill of Rights would be incorporated into Department policy, shared with all children and youth in DCF's care, and submitted to the Select Committee on Children for consideration of possible further legislative action.

By meeting with youth representatives to draft a Sibling Bill of Rights, DCF would tap into the experience of young people with first-hand knowledge of Connecticut's child welfare system. Jointly, DCF and the YABs would be tasked with developing practical solutions for how best to protect the sibling relationships critical to children's well-being. By incorporating these suggestions into policy, DCF would signal its seriousness about taking into account the voices of young people in care and would make DCF's expectations for promoting sibling relationships part of the official public policy of the Department. We believe that the process of developing a Sibling Bill of Rights in consultation with the Youth Advisory Boards would not only lead to better outcomes for sibling groups in care, but would also help support continued youth engagement within the Department.

Connecticut Voices for Children also supports H.B. 5186, An Act Adopting a Foster Parent Bill of Rights.

We are pleased with the great strides the Department has made in the past year in terms of recognizing the importance of retaining current foster parent and in committing to improving the foster parent experience.¹¹ We believe that enacting a Foster Parent Bill of Rights would support the Department's goals for improving the foster care system.

According to the 2010 CAFAP satisfaction survey addendum, 42% of foster families reported that they were recruited by a friend, "through a relative," or by other foster families.¹² Therefore, improving current foster family perceptions is a key not only to increasing foster family retention, but also to boosting recruitment of new foster families.

Most of the concepts contained in this bill—treating foster parents with respect, involving them in case-planning to the extent practical, sharing information regarding the children in their care to the extent allowed by law and providing appropriate training, not retaliating against foster parents—are not controversial. Furthermore, most, if not all fall within current department policy, if not always practice. However, we believe that this legislation is a positive addition because it collects all of these "rights" in one location and requires DCF to distribute copies, ensuring that foster parents are more informed about policies affecting them. Even more importantly, it indicates to foster parents that we as a state recognize their contributions as valued members of the treatment team.

Connecticut Voices for Children therefore urges you to support both S.B. 156 and H.B. 5186. Thank you for the opportunity to submit testimony on these bills.

¹ Connecticut General Statutes §46b-129(j).

² Outcome Measure 10 of the *Juan F.* Exit Plan requires that “at least 95% of the siblings entering out-of-home placement shall be placed together unless there are documented therapeutic reasons for separate placements.” DCF’s sibling placement in the last four quarters was as follows (see p. 10 of the 3rd Quarter 2011 Report):

OM 10: Percent of Siblings Placed Together (excluding documented therapeutic reasons for separate placements)

4Q 2010	1Q 2011	2Q 2011	3Q 2011
83.3%	86.7%	85.8%	89.3%

³ United States Department of Health and Human Services, Administration for Children and Families. Administration on Children and Families. Children’s Bureau. Final Report. Connecticut Child and Family Services Review, April 2009.

⁴ *Ibid.*

⁵ *Juan F. v. O’Neill*, Complaint p.18-19.

⁶ Among the practice changes are the utilization of “family-based regional and community services as the presumptive service delivery context, decreasing the use of congregate care settings overall, especially for young children, and the systematic return of youngsters in out-of-state placement settings, [and] expanding the use of family foster care, especially relative care.” See DCF Continuum of Care Partnership: Co-Chairpersons’ Report to the Commissioner. January 12, 2012 (revised 01/19/12). Available at:

http://www.ct.gov/dcf/lib/dcf/continuumofcare/pdf/dcf_continuum_of_care_partnership_co-chairpersons_update_1_19_12.pdf

⁷ According to data provided by DCF, as of 2/1/2012 there were 673 kids in DCF care not placed with all of their siblings, compromising 237 sibling groups, 100 of which consisted of three or more siblings.

⁸ Connecticut General Statutes §17a-10a(c). “If such child has an existing relationship with a sibling and is separated from such sibling as a result of intervention by the commissioner including, but not limited to, placement in a foster home or in the home of a relative, the commissioner shall, based upon consideration of the best interests of the child, ensure that such child has access to and visitation rights with such sibling throughout the duration of such placement. In determining the number, frequency and duration of such visits, the commissioner shall consider the best interests of each sibling, given each child’s age and developmental level and the continuation of the sibling relationship.”

⁹ Connecticut General Statutes §17a-10a(d). “The commissioner shall include in each child’s plan of treatment information relating to the factors considered in making visitation determinations pursuant to this section. If the commissioner determines that such visits are not in the best interests of the child, or that the number, frequency or duration of the visits requested by the child’s attorney or guardian ad litem is not in the best interests of the child, the commissioner shall include the reasons for such determination in the child’s plan of treatment.”

¹⁰ The Youth Advisory Boards are groups of youth in care that meet at the area office level to advise the Department on policy and practice. See DCF Policy Manual §42-20-15.

¹¹ For more information about the Department’s commitment to overhauling the family foster care system, see Connecticut Department of Children and Families. “We All Need Somebody: Supporting Children, Families and the Workforce in Connecticut’s Family Foster Care System.” *Fostering the Future*. September 30, 2011. Available at: http://www.ct.gov/dcf/lib/dcf/publications/pdf/final_family_foster_report_9_30_11.pdf

¹² Jake Siegel. “Increasing Retention of Connecticut’s Foster Families.” Connecticut Voices for Children. May 2011. Available at: <http://ctkidslink.org/publications/cw11increasingretention.pdf>.